

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL L. TUCKER,

Defendant.

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CASE NO. 22-cr-66

ORDER

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

The Court granted Defendant Michael L. Tucker's request to file under seal an ex parte motion to authorize Tucker to hire an expert. The Court subsequently ordered defense counsel to file a statement explaining why defense counsel has chosen to file its ex parte motion under seal. Defense counsel submitted a statement in support of filing under seal.

The Sixth Circuit instructs that filings can only be sealed for "the most compelling reasons."¹ Pleadings, briefs, and filings are given a "strong presumption in favor of openness" because they are "the sort of records that would help the public assess for itself the merits of judicial decisions."²

The party moving to seal documents has the heavy burden of demonstrating: "(1) a compelling interest in sealing the records; (2) that the interest in sealing outweighs the public's interest in accessing the records; and (3) that the request is narrowly tailored."³

¹ Kondash v. Kia Motors America, Inc., 767 Fed. App'x. 635, 637 (6th Cir. 2019) (alteration in original).

² In re Nat'l Prescription Opiate Litig., 927 F.3d 919, 939 (6th Cir. 2019) (citing *Shane Grp.*, 825 F.3d at 304–05 (6th Cir. 2016)).

³ Kondash, 767 Fed. App'x. at 637 (6th Cir. 2019).

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Here, Defendant has not demonstrated a compelling interest in sealing the motion that outweighs the public's interest in accessing it. The motion does not discuss diagnoses or any other confidential details.

The Court **ORDERS** the Clerk of Court to unseal Defendant's motion for authorization to engage an expert.

IT IS SO ORDERED.

Dated: September 6, 2022

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE